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Attorneys for Debtor

MONICA HUJAZI

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
UNLIMITED JURISDICTION**

IN RE

MONICA HUJAZI

Debtor

MICHAEL GRODSKY,

Plaintiff,

V.

MONICA HUJAZI

Defendant.

Case No. 13-30477-HLB

CHAPTER 7 (Involuntary)

Adversary Case No. 17-0388

**MONICA HUJAZI'S ANSWER TO
COMPLAINT FOR
NONDISCHARGEABILITY OF
MICHAEL GRODSKY**

Defendant Monica Hujazi responds to the adversary complaint of Michael Grodsky
follows:

1
2 1. Admitted.

3 2. No response required.

4 3. Admitted.

5 4. Admitted.

6 5. Admitted.

7 6. Admitted.

8 7. Admitted.

9 8. Admitted.

10 9. Admitted.

11 10. Admitted.

12 11. Admitted.

13 12. Responding party lacks sufficient information to admit or deny and on that
14 basis denies the request.

15 13. Admitted

16 14. Admitted

17 15. Denied.

18 16. Responding party lacks sufficient information to admit or deny and on that
19 basis denies the request.

20 17. Admitted.

1 18. Responding party lacks sufficient information to admit or deny and on that
2 basis denies the request.

3 19. Denied

4 20. Denied.

5 21. Admitted

6 22. Admitted

7 23. Admitted

8 24. Admitted

9 25. Admitted

10 26. Admitted.

11 27. Denied

12 28. Responding party lacks sufficient information to admit or deny and on that
13 basis denies the request.

14 29. Responding party lacks sufficient information to admit or deny and on that
15 basis denies the request.

16 30. Responding party lacks sufficient information to admit or deny and on that
17 basis denies the request.

18 31. Responding party lacks sufficient information to admit or deny and on that
19 basis denies the request.

20 32. Denied.

1 33. Responding party lacks sufficient information to admit or deny and on that
2 basis denies the request.

3 34. Responding party admits that that exhibit 7 appears to be a wire transfer
4 request. Responding party lacks sufficient information to admit or deny the
5 remaining allegations.
6

7 35. Admitted.

8 36. Denied.

9 37. Denied.
10

11 38. Denied

12 39. Denied

13 40. Admitted.

14 41. Admitted
15

16 42. Admitted as to what the statute says. Denied that the statute has any
17 applicability to debtor or her child.

18 43. Denied
19

20 44. Responding party lacks sufficient information to admit or deny and on that
21 basis denies the request.

22 45. Denied
23

24 46. Denied

25 47. Admitted
26

1 48.No response required

2 49.Denied

3 50.Admitted

4 51.Admitted

5 52.Admitted that the McLaren has a value in excess of \$600.

6 53.Admitted

7 54. Admitted

8 55. Denied

9 56.Denied

10 57.Denied

11 58.Responding party lacks sufficient information to admit or deny and on that
12 basis denies the request.

13 59.Responding party lacks sufficient information to admit or deny and on that
14 basis denies the request.

15 60.Denied

16 61.Denied

17 62.Admitted.

18 63.Admitted.

19 64.Denied

1 65. Responding party lacks sufficient information to admit or deny and on that
2 basis denies the request.

3 66. Responding party lacks sufficient information to admit or deny and on that
4 basis denies the request.

5 67. Responding party lacks sufficient information to admit or deny and on that
6 basis denies the request.

7
8 68. Denied

9 69. Denied

10 70. Denied

11 71. Denied

12 72. Denied

13 73. Denied

14 74. No response necessary.
15
16
17

18 **FIRST AFFIRMATIVE DEFENSE**

19 (Failure to State a Claim)

20 1. Each and every cause of action fails to state a claim upon which relief may be
21 granted against Defendant.
22

23 **SECOND AFFIRMATIVE DEFENSE**

24 (Estoppel)
25
26
27
28

2. By its conduct, Complainant is estopped from asserting any of the causes of action alleged in the Complaint against this answering defendant.

THIRD AFFIRMATIVE DEFENSE

(Waiver)

3. By its conduct, Complainant has waived each and every cause of action alleged in the Complaint against this answering defendant.

FOURTH AFFIRMATIVE DEFENSE

(Mitigation)

4. Complainant failed to exercise reasonable care and diligence to mitigate any and all alleged damages.

FIFTH AFFIRMATIVE DEFENSE

(No Injury or Damages)

5. Each and every cause of action alleged in the Complaint is barred because Complainant sustained no injury or damage.

SIXTH AFFIRMATIVE DEFENSE

(Unclean Hands)

6. Each and every cause of action alleged in the Complaint is barred by the doctrine of unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

(Fraud)

7. Complainant is barred from recovery by virtue of commission of fraud in their dealings with Defendant related to the issues raised herein.

EIGHTH AFFIRMATIVE DEFENSE
(Statutes of Limitation)

8. That Complainant's claims against Defendant are barred by the applicable Statutes of Limitation.

NINTH AFFIRMATIVE DEFENSE
(Laches)

9. Complainant is barred from recovery by the doctrine of laches.

TENTH AFFIRMATIVE DEFENSE
(Lack of Jurisdiction)

10. Complainant cannot recover any funds from debtor because the death of the testator which granted the property occurred post bankruptcy filing.

ELEVENTH AFFIRMATIVE DEFENSE
(Res Judicata/Collateral Estoppel)

11. Complainant cannot recover any funds from Debtor because this issue, having already been litigated by creditors, has already been determined that the trust property is not the property of the bankruptcy estate.

TWELFTH AFFIRMATIVE DEFENSE
Settlement

12. The nondischargeability claim is barred by previous settlement entered into by the debtor and the bankruptcy court.

WHEREFORE, these Defendants pray for judgment as follows:

1. That the debt be declared dischargeable;
2. That these Defendants recover their fees and costs of suit; and

1 3. For such other and further relief as the Court deems just and proper.

2
3 Dated: March 15, 2017,

LAW OFFICES OF PETER H. BONIS

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7
8 _____/s/_____
9 Peter H. Bonis